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ABSTRACT

This report presents evaluations of proposed federal legislation to provide financial support for the restoration and preservation of historic buildings on the campuses of historically black colleges and universities (HBCUs). The legislation enables money already appropriated to be spent on projects at HCBUs. First, the text of modifications to the bill, H.R. 2921, is presented. Next, a brief overview looks at the bill's aims, background of the legislation, and the need for it. A detailed section-by-section analysis is then provided. The 12 specific projects slated for assistance are identified. These are at the following institutions: Fisk University (Tennessee); Morris Brown College (Georgia); Shaw University (North Carolina); Savannah State College (Georgia); St. Augustine's College (North Carolina); Tougaloo College (Mississippi); Bethune-Cookman College (Florida); Morehouse College (Georgia); Howard University (District of Columbia); Hampton University (Virginia); Spelman College (Georgia); and Delaware State College. Other evaluations note legislative history and committee recommendations following hearings (favorably recommended); changes in existing law (none would be required); inflationary impact, cost and budget compliance (no inflationary impact, no significant costs); and oversight statement. A dissenting view statement is appended signed by eight representatives which supports the importance of the projects but argues that current fiscal pressures should not permit this authorization now. (JB)

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103D CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
103–398

ED 369 353

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

NOVEMBER 20, 1993.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MILLER of California, from the Committee on Natural Resources, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 2921]

[Including cost estimate of the Congressional Budget Office]

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The Committee on Natural Resources, to whom was referred the bill (H.R. 2921) to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Historically Black Colleges and Universities Historic Building Restoration and Preservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Nation's historically black colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for African-American, low-income, and educationally disadvantaged Americans;

(2) over our Nation's history, States and the Federal Government have discriminated in the allocation of land and financial resources to support these in-

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stitutions, thus forcing them to rely on the generous support of private individuals and other charitable organizations;

(3) the development of this source of private and charitable financial support for historically black colleges and universities has resulted in structures and buildings of historic importance and architecturally unique design on the campuses of these institutions; and

(4) many of these structures and buildings are national treasures worthy of preservation and restoration for future generations of all Americans as well as for the students and faculty of these institutions.

SEC. 3. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) AUTHORITY TO MAKE GRANTS.—From the amounts made available to carry out the National Historic Preservation Act for the fiscal years 1995 through 1998, the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—(1) Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(d) FUNDING PROVISIONS.—(1) Not more than $20,000,000 for fiscal year 1995 and not more than $15,000,000 for each of the fiscal years 1996, 1997, and 1998 may be made available under this section.

(2) Of the amounts made available under this section for fiscal year 1995, $5,000,000 shall be available only for grants under subsection (a) to Fisk University.

(3) Of the amounts made available under this section for fiscal year 1995, $10,000,000 shall be available only for grants under subsection (a) to those historically black colleges and universities identified for inclusion in the Department of the Interior Historically Black College and University Historic Preservation Initiative.

(e) REGULATIONS.—The Secretary shall promulgate such regulations as may be necessary to carry out this Act.

SEC. 4. DEFINITIONS.

For the purposes of this Act:

(1) The term "historically black colleges and universities" has the same meaning given the term "part B institution" by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) The term "historic building and structures" means a building or structure listed on the National Register of Historic Places or designated a National Historic Landmark.

PURPOSE

The purpose of H.R. 2921,[1] as amended, is to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

[1] H.R. 2921 was introduced by Mr. Clement (for himself, Ms. Brown of Florida, Mr. Clyburn, Mr. Conyers, Mr. Cooper, Mr. Frost, Mr. Hastings, Mr. Hilliard, Ms. Eddie Bernice Johnson of Texas, Mrs. Lloyd, Mrs. Meek, Mr. Rush, Mr. Towns, Mr. Tucker, and Ms. Waters) on August 6, 1993.

BACKGROUND AND NEED

Many of the historic structures located on Historically Black Colleges and Universities (HBCU) are threatened, and a significant effort is needed to preserve and protect them. The Department of the Interior, in cooperation with the United Negro College Fund (UNCF), has launched a project to preserve these structures. In 1988, a special survey to identify candidates for inclusion in the program generated responses from 46 HBCUs nominating 144 structures for consideration.

The Department and UNCF eventually selected eleven of the most historically significant and critically threatened structures on such campuses which will require an estimated $20 million to preserve. UNCF has agreed to match a Departmental contribution of $10 million for this HBCU Historical Preservation Initiative. However, no funds were requested or appropriated for this purpose for Fiscal Year 1994.

As reported by the Committee, H.R. 2921 authorizes a grant program within the Department of the Interior, to be funded through the Historic Preservation Fund, for the preservation and restoration of historical buildings and structures at eligible HBCUs. In Fiscal Year 1995, a total of $20 million would be authorized, $5 million of which may be used only for Fisk University and $10 million of which may be used only for grants to those HBCUs identified for inclusion in the Interior Department's HBCU Historic Preservation Initiative. For each of Fiscal Years 1996, 1997 and 1998, $15 million would be authorized. Federal funding for structures listed on the National Register of Historic Places must be matched equally, unless the Secretary determines that an extreme emergency exists or that such waiver is in the public interest. The bill, as amended, also stipulates that structures receiving Federal funds may be altered later only with the concurrence of the Secretary.

SECTION-BY-SECTION ANALYSIS

Section 1 cites the Act as the "Historically Black Colleges and Universities Historic Building Restoration and Preservation Act."

Section 2 contains Congressional findings that these HBCUs have contributed significantly to the effort to attain equal opportunity through postsecondary education for African-Americans, low-income and educationally disadvantaged Americans; that because of State and Federal discrimination in the allocation of resources to these institutions, they have been forced to rely on the generous support of private individuals and charitable organizations; that, therefore, these campuses contain structures and buildings of historic importance and architectural significance which are national treasures worthy of preservation and restoration for all Americans as well as the students and faculty of these institutions.

Section 3, as amended, provides for preservation and restoration grants for historic buildings at Historically Black Colleges and Universities (HBCU)

Section 3(a) authorizes a grant program, within the Department of the Interior, through the Historic Preservation Funds, for the preservation and restoration of historic buildings and structures at eligible HBCUs.

These structures represent the hopes and achievements of a group of people denied equal opportunity and justice and who succeeded despite the imposition of almost insurmountable legal and social obstacles. In many cases, the buildings were constructed by the students themselves, and came under constant attack, particularly during the civil rights struggles of the 1960s and 1970s, as symbols of African-American pride and progress.

National Park System resources representing African-American themes are notably scarce, and the Committee remains concerned that the African-American theme study mandated by Public Law 102–98 has not been completed. These institutions provided the only avenue to a better life for many African-Americans and provided this country with some of its greatest leaders—including many current members of Congress. The current inadequacy of the African-American theme representation in the National Park System makes preservation of these resources critical. This program is intended to recognize the importance of Historically Black Colleges and Universities to our nation.

The Historic Preservation Fund is authorized at $150 million each fiscal year through 1997, and the total amount authorized for the Fund since fiscal year 1977 remains available until appropriated. Of the funds appropriated for Historic Preservation through this program, the amounts cited in this bill may be used for preservation specifically at HBCUs. This bill does not authorize new spending, but allows already authorized funds to be spent on these significant, and underfunded, resources.

Section 3(b) places certain conditions on the grants awarded under this Act. No alterations may be made in the property receiving federal funds without the concurrence of the Secretary, and reasonable public access to the property receiving such grants must be permitted for interpretive and educational purposes.

The Committee notes that in past years, appropriated funds have been spent on projects and structures with little national significance, and with no conditions placed on their use or future alteration. While the Federal government will not own these properties, and its control over these properties will be limited, the Federal investment must be protected. The Committee insists that any alterations in properties receiving Federal preservation funds must be approved by the Secretary to assure that such alterations do not destroy the historic integrity of the properties.

Additionally, the historic significance of properties funded under this Act, as well as the use of Federal funds for their preservation, suggests that appropriate public access will be expected. The Committee understands that most of the structures will continue to be occupied or remain in active use, and does not expect unrestricted public entry to be a condition for receiving these Federal funds. However, the Committee recognizes the interest in these structures both as powerful educational and cultural symbols and as architecturally and historically significant, and believes the public good will best be served by permitting reasonable access for interpretive and educational purposes.

Section 3(c) stipulates that the Secretary may provide grants authorized by this Act for structures listed on the National Register of Historic Places only if the grantee agrees to match with non-fed-

eral funds an amount equal to or greater than the grant. However, the Secretary may waive this matching requirement if an extreme emergency exists or if such a waiver is in the public interest to assure the preservation of historically significant resources.

Obviously, limited Federal funds will be most effective if used in conjunction with funds raised from other sources. The federal government alone cannot fund all of the worthy preservation projects; other sources must be found to supplement the federal contribution. Furthermore, testimony received at the hearing on this legislation indicates that these institutions find it easier to raise necessary non-federal funds for preservation and maintenance if there is an expectation that the donations will go twice as far. Finally, an equal match demonstrates commitment on the part of the recipients; a financial investment is strong incentive for continued protection of the resources.

However, the Committee is aware that many of these institutions may lack the financial resources to provide an equal match in every instance, and believes that the Secretary should be able to protect endangered historically significant structures regardless of the institution's ability to pay; historic preservation should not be dependent upon financial solvency.

Section 3(d) authorizes the availability from the Historic Preservation Fund of $20 million for fiscal year 1995, and $15 million each for fiscal years 1996, 1997 and 1998, for the purposes of the Act. Of the amounts authorized for fiscal year 1995, $5 million is made available only for grants to Fisk University, and $10 million is made available only for grants to those projects identified for inclusion in the Department's HBCU Historic Preservation Initiative.

Since 1989, Fisk University has been working to restore five of the nine buildings on that campus listed on the National Register of Historic Places with appropriated National Park Service Funds. When the nominations for the HBCU Historic Preservation Initiative were submitted, Fisk chose not to participate. The institution was already receiving Federal funds, and elected not to apply for additional appropriations so that other worthy projects could be considered. The Committee understands that the remaining restoration requirements at Fisk will be accommodated by the $5 million authorized in this Act. Given the success of the historic building restoration program at Fisk, and the importance of this institution to African-American education. The Committee believes that funding for the remaining project at Fisk should be a priority.

The eleven projects identified for assistance in the HBCU Historic Preservation Initiative have been thoroughly studied and determined to be the most significant and threatened of those proposed. The United Negro College fund has agreed to match a Departmental contribution of $10 million for the preservation of these structures. Those matching funds are now available, and the Committee believes priority should be given to these resources which have been identified for initial assistance. The projects to be funded under this program are as follows:

Gaines Hall, Morris Brown College, Atlanta, GA
Leonard Hall, Shaw University, Raleigh, NC
Hill Hall, Savannah State College, Savannah, GA
St. Agnes, St. Augustine's College, Raleigh, NC

The Mansion, Tougaloo College, Tougaloo, MS
White Hall, Bethune-Cookman College, Daytona Beach, FL
Graves Hall, Morehouse College, Atlanta, GA
Howard Hall, Howard University, Washington, DC
Virginia Hall, Hampton University, Hampton VA
Packard Hall, Spelman College, Atlanta, GA
Lookerman Hall, Delaware State College, Dover, DE

Section 3(e) requires the Secretary to promulgate such regulations as may be necessary to carry out the Act.

Section 4 defines Historically Black Colleges and Universities according to section 322 of the Higher Education Act of 1965. Essentially, an eligible institution would be any accredited historically Black college or university established prior to 1964, whose principal mission was, and is, the education of Black Americans. Referencing the Higher Education Act ensures that the definition is consistent with current law.

This section also defines "historic buildings and structures" as those either listed on the National Register of Historic Places or designated a National Historic Landmark. Requiring this listing or designation assures that Federal funding will be used for projects with demonstrated significance.

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

A hearing on H.R. 2921 was held before the Subcommittee on National Parks, Forests and Public Lands on September 21, 1993. At the meeting of the Subcommittee on November 4, 1993, H.R. 2921, as amended, was favorably recommended to the Committee on Natural Resources. The Committee on Natural Resources ordered the bill, as amended favorably reported to the House on November 10, 1993 by a voice vote.

CHANGES IN EXISTING LAW

If enacted, H.R. 2921 would make no changes in existing law.

OVERSIGHT STATEMENT

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the Act, but no specific oversight hearings have been conducted on this matter. No recommendations were submitted to the Committee pursuant to rule X, clause 2(b)(2).

INFLATIONARY IMPACT, COST AND BUDGET ACT COMPLIANCE

In the opinion of the Committee, enactment of H.R. 2921 will have no inflationary impact on the national economy and will not result in significant costs. The estimate of the Congressional Budget Committee is as follows:

OVERSIGHT STATEMENT

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the Act, but no specific oversight hearings have been conducted on this matter. No recommendations were submitted to the Committee pursuant to rule X, clause 2(b)(2).

INFLATIONARY IMPACT, COST AND BUDGET ACT COMPLIANCE

In the opinion of the Committee, enactment of H.R. 2921, will have no inflationary impact on the national economy and will not result in significant costs. The estimate of the Congressional Budget Committee is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 19, 1993.

Hon. GEORGE MILLER,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2921, the Historically Black Colleges and Universities Historic Building Restoration and Preservation Act, as ordered reported by the House Committee on Natural Resources on November 10, 1993. We estimate that implementation of this legislation would cost the federal government $65 million over the 1995–1998 period, assuming appropriation of the authorized funds. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2921 would direct the Secretary of the Interior to make matching grants to historically black colleges and universities for restoring and preserving buildings on their campuses. For this purpose, the Secretary would be directed to use amounts appropriated from the Historic Preservation Fund (HPF). The bill would limit HPF appropriations for this program to no more than $20 million for 1995 and $15 million for each of the three following years.

Enactment of this legislation would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

ROBERT D. REISCHAUER, *Director.*

DISSENTING VIEWS

The effort by Mr. Clement and the Majority to provide funding to restore, renovate and preserve historically significant buildings and structures at historically black colleges and universities ("HBCU") is an important effort to help these schools preserve their heritage and capital resources. There is no doubt that these HBCUs have made significant contributions to the advancement of African-Americans and indeed to the history of this Country. However, the $65 million in funding authorized in H.R. 2921 is not fully supported by evidence in the record before Congress. We object to authorizing funds which cannot be supported by current projects that have been subject to review and study.

Under the Vento amendment, $65 million would be authorized out of the National Historic Preservation Fund. $20 million is authorized for fiscal year 1995 and $15 million for each succeeding fiscal year through 1998. In fiscal year 1995, $5 million is allocated to Fisk University and another $10 million is allocated to eleven HBCUs that have been identified by the National Park Service as part of the Interior HBCU Historic Preservation Initiative.

Mr. Allard offered an Amendment at Full Committee that would have fully satisfied the recommendations of the Administration and the funding for Fisk University. On September 17, 1993 the National Park Service issued a document entitled "The Secretary of the Interior's HBCU Historic Preservation Initiative." This document is the result of a project initiated in 1991 to identify the most significant and threatened structures on the nation's HBCUs. The result of this study was a recommendation for funding of eleven projects at eleven different schools. The total estimated cost of completing these eleven projects is $21.1 million. Under the Vento proposal these eleven schools would be required to match the federal funds with private funds.

Taking into account the $5 million for Fisk University and the $11 million to provide half of the matching funds necessary to complete the eleven recommended projects brings the total justifiable authorization to $16 million. This is exactly what the Allard Amendment sought to accomplish. The Allard Amendment would have fully funded Fisk University at $5 million and would have provided the full $11 million in matching funds to complete the identified eleven projects. The fact is that $49 million of the $65 million recommended by the Vento language is not supported by recommendations or study by the Department of the Interior. We do not take issue with authorizing the $16 million that is supported by evidence in the record, but we do take issue with authorizing funds for projects that have not been the subject of hearings, review or study.

In times when funds are scarce and there is an effort by many to reduce spending, this authorization of an extra $49 million is ir-

responsible. The majority argues that this is not "new" money because the funds are authorized through the Historic Preservation Act. However, this approach attempts to prioritize funds allocated to the Historic Preservation Fund. Those projects which have waited in line for several years to receive funding will be pushed further back in line and will have that much more incentive to solicit even greater funding from Congress. It is almost inevitable that due to this $65 million authorization that the Historic Preservation Fund will grow larger and larger.

Providing Federal assistance to these HBCUs is a worthwhile effort that will help preserve our history and heritage; however, Congress has the responsibility of spending tax dollars wisely. We are willing to support those projects that have been the subject of study, review and Congressional hearings but we do not support an extra $49 million authorization that is not justified at this time.

WAYNE ALLARD.
BOB SMITH.
CRAIG THOMAS.
JOHN T. DOOLITTLE.
JAMES V. HANSEN.
BARBARA VUCANOVICH.
KEN CALVERT.
DON YOUNG.